

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

CSX TRANSPORTATION, INC.,  
*individually and on behalf*  
*of Norfolk & Portsmouth Belt*  
*Line Railroad Company,*

Plaintiff,

v.

Civil No. 2:18cv530

NORFOLK SOUTHERN RAILWAY COMPANY,  
and NORFOLK & PORTSMOUTH BELT LINE  
RAILWAY COMPANY,

Defendants.

ORDER

This matter is before the Court on a motion to dismiss all remaining claims for relief, filed by Defendant Norfolk & Portsmouth Belt Line Railway Company ("NPBL") on January 9, 2023. ECF No. 572. Defendant Norfolk Southern Railway Company ("NSR") joins in the motion. ECF No. 574. Plaintiff CSX Transportation, Inc. ("CSX") has now filed its responsive brief, ECF No. 593, and Defendants must file their replies no later than 5:00 p.m. today. A bench trial is currently scheduled to begin on January 18, 2023.

In light of the potentially dispositive nature of the issues raised in Defendants' motions, as well as CSX's astute comments regarding the risk of wasting the Court's and the parties' resources if the Court were to resolve the pending motions in Defendants' favor after trial, the parties are INFORMED that the

bench trial, if any, will begin on Thursday, January 19, 2023. The Court makes this decision in consideration of the parties' need to coordinate witnesses and other matters in preparation for their trial presentations. The parties are REQUESTED to preserve their availability on January 18, 2023, should a matter arise that requires a status conference or other proceeding.

The Clerk is DIRECTED to send a copy of this Order to all counsel of record.

IT IS SO ORDERED.

/s/ 

Mark S. Davis

CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia  
January 13, 2023